

No. 7817-4Lab-76/24933.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Gamsha Pipe Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 38 of 1972

between

THE WORKMEN AND THE MANAGEMENT OF M/S GAMSHA PIPE LTD., FARIDABAD

AWARD

By order No. ID/FD/20105 dated 2nd June, 1972 the Governor of Haryana, referred the following dispute between the management of M/s Gamsha Pipe Ltd., Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the management should raise the existing rates of minimum wages of the unskilled workers? If so, with what details?
- (2) Whether the management should pay dearness allowance to the workers linked with the consumer price index number? If so, with what details?
- (3) Whether the management should provide uniforms and shoes to the workers? If so, with what details?

The parties put in their appearance in this Tribunal on 6th May, 1974 in response to the usual notices of reference sent to them. The management however absented themselves on 11th June, 1974, the next date of hearing fixed in the reference for filing of their written statement with the result that *ex parte* proceedings were taken up against them on that date and the workmen were directed to adduce their evidence on 14th August, 1974.

The workmen also proposed to absent themselves on 14th August, 1974 but no order dismissing their demand for non-prosecution was made on that date and the then Presiding Officer instead considered it proper to issue notices of reference to the parties again and the case was ordered to be put up on 24th February, 1975 when one Shri Banarsi Dass Factory Incharge appeared for the management and none put in his appearance for the workmen. The case was adjourned to 25th March, 1975 when Sarvshri Darshan Singh and Adarsh Kishore put in appearance for the workmen and none appeared for the management. The case was adjourned from time to time to 27th May, 1975, 1st August, 1975, 10th October, 1975, 21st April, 1976, 8th June, 1976 and 27th July, 1976 for recording *ex parte* evidence of the workmen. They further failed to substantiate their case despite several opportunities being given to them for that purpose. They did not summon any witness through this Tribunal nor arranged his production by themselves.

It would be interesting to note that even under these circumstances Shri Darshan Singh authorised representative for the workmen on 27th July, 1976 made yet another request for grant of an adjournment for adducing *ex parte* evidence. Such a request in view of the history of the case stated above was obviously unreasonable and could not be granted. The evidence of the workmen was thus closed.

There is yet another aspect of the case relating to the want of authority of Shri Darshan Singh to represent to the workmen in this reference. The demands leading to the reference seem to have been raised on the management by an office bearer of the Industrial Workers Union Faridabad in as much as notice of reference was sent to him. Whereas one Shri B.M. Gupta, appearing for the workmen on 27th October, 1972 and 20th December, 1972, he was abruptly replaced by Shri Darshan Singh on 26th September, 1973 and Shri Darshan Singh was abruptly replaced by Shri Amar Singh on 6th May, 1974. Shri Adarsh Kishore suddenly appeared for the workmen on 11th June, 1974 thus re-placing even Shri Amar Singh and Shri Darshan Singh again came on the scene on 25th March, 1975 and continued to put in appearance for the workmen hereafter. None of these Trade Union Leaders is found to have had any authority in writing from the workmen to represent them in the reference and the case thus proceeded even in absence of authority by the workmen in favour of any of these persons.

I am thus convinced that none of the workmen is interested in pursuing the demand leading to this reference and no relief can be granted to them in absence of any evidence on their behalf in support of the demand raised by them on the management. I thus hold that none of them is entitled to any relief.

I accordingly answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

The 30th July, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 934, dated the 30th July, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

The 30th July, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 7932-4-Lab-76/24935.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Accurex Optica Industries, Model Town, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK.

Reference No. 46 of 1975

between

SHRI TARA CHAND, WORKMAN AND THE MANAGEMENT OF M/S ACCUREX
OPTICA INDUSTRIES, MODEL TOWN, JAGADHRI

AWARD

By order No. ID/AMB/220-C-75/35934—38, dated 19th June, 1975 of the Governor of Haryana, the following dispute between the management of M/s. Accurex Optica Industries, Jagadhri and its workman Shri Tara Chand, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

"Whether the termination of services of Shri Tara Chand was justified and in order ? If not, to what relief is he entitled ?"

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleading giving rise to the following issues framed,—*vide* order dated 23rd March, 1976 :—

1. Whether the management closed their factory under section 25 FFF of the Industrial Disputes Act, 1947 for the reasons stated by them in the written statement and dispensed with the services of the workman under these circumstances ?
2. If yes, whether the reference in respect of the dispute stated therein is maintainable.
3. If yes, whether the termination of services of Shri Tara Chand was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for recording the evidence of the management for 19th July, 1976 when the parties arrived at an amicable mutual settlement and made their statements in accordance therewith. The workman agreed to receive retrenchment compensation and one month's notice as admissible to him under section 25 FFF of the Industrial Disputes Act, from the existing management while admitting the closure of the business on 28th February, 1975 of the previous management being run by the name and style of

the existing management in consideration of his withdrawing the demands raised by him on the management leadings to this reference, including that of his reinstatement. The management accepted this offer and their manager Shri Dlnesh Bansal and authorised representative Shri R. L. Gupta made their statements accordingly.

I, thus, in view of the statements of the parties recorded by me direct that the management shall pay to the workman the retrenchment compensation and one month's notice pay as admissible to him under section 25 FFF of the Industrial Disputes Act and the workman shall on that payment have no claim whatsoever including that of his reinstatement against the management.

I, therefore, answer the reference while returning the award in these terms.

Dated 26th July, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1745, dated 31st July, 1976

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court Haryana,
Rohtak.

The 9th September, 1976

No. 7928-4 Lab-76/24937.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s. Aceebeen Steel Private Limited, Yamunanagar.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 30 of 1976

between

SHRI HARBANS SINGH, WORKMAN AND THE MANAGEMENT OF M/S ACEEBEEN
STEEL PRIVATE LIMITED, YAMUNANAGAR
AWARD

By order No. ID/AMB/322-B-75/10281, dated 17th March, 1976 of the Governor of Haryana, the following dispute between the management of M/s. Aceebeen Steel Private Limited, Yamunanagar and its workman Shri Harbans Singh, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Harbans Singh was justified and in order? If not, to what relief is he entitled?”

Neither the workman nor the management put in appearance before me on 22nd July, 1976, the date of hearing fixed in the case despite personal service of notices sent to them of this reference through registered post,—vide my order dated 26th March, 1976.

The absence of the parties under these circumstances indicates their want of interest to pursue their case and leads to a conclusion that there is now no dispute between them requiring adjudication:—

I, thus, hold that there is now no dispute between the parties requiring adjudication and answer the reference while returning the award in these terms.

Dated 26th July, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 1742, dated the 31st July, 1976.

Forwarded (four copies) to the secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

P. P. CAPRIHAN,

Commissioner and Secretary to Government, Haryana,
Labour and Employment Department.